1333.104

(7) Such other remedies as the decision-maker may determine are necessary to correct a defect.

[64 FR 16653, Apr. 6, 1999]

1333.104 Protests to GAO.

(a)(1) General. A protestor shall furnish a copy of its complete protest to the contracting officer designated in the solicitation and a copy of its complete protest to the Contract Law Division of the Office of the Assistant General Counsel for Finance and Litigation, no later than one day after the protest is filed with the GAO. The envelope containing the complete protest shall be clearly marked "GAO Protest".

(2) The GAO report shall be assembled and organized by the contracting office in accordance with rule 4(d) of the GSBCA Rules of Procedure (48 CFR part 6101) except where rule 4(d) may conflict with GAO procedures.

(b) Protests before award. When the contracting activity has received notice of a protest filed directly with GAO, a contract may not be awarded prior to a GAO decision on the protest, unless the Head of the Contracting Activity makes the written finding prescribed in FAR 33.104 (b)(1) after consulting with the AGC. The head of the contracting office shall notify the AGC when the written finding has been executed so that the AGC can notify GAO. The contracting activity is not authorized to award the affected contract until the AGC has notified GAO of the written finding.

(c) Protests after award. When the contracting activity receives notice of a protest filed directly with GAO within 10 calendar days after contract award, the contracting officer shall immediately suspend performance pending a GAO decision on the protest or terminate the awarded contract, unless the Head of the Contracting Activity makes the written finding prescribed in FAR 33.104 (c)(2) after consulting with the AGC. The head of the contracting office shall notify the AGC when the written finding has been executed so that the AGC can notify GAO. The contracting activity is not authorized to continue contract performance until

the AGC has notified GAO of the written finding.

[51 FR 15331, Apr. 23, 1986, as amended at 60 FR 47310, Sept. 12, 1995]

1333.105 Protests to GSBCA.

(a)(1) A protestor shall furnish a copy of its complete protest to the contracting officer designated in the solicitation and a copy of its complete protest to the Contract Law Division of the Office of the Assistant General Counsel for Finance and Litigation, on the same day the protest is filed with the GSBCA. The envelope containing the complete protest shall be clearly marked "GSBCA Protest".

[51 FR 15331, Apr. 23, 1986, as amended at 60 FR 47310, Sept. 12, 1995]

1333.106 Solicitation provision and contract clause.

(a) The contracting officer shall insert the provision at 1352.233–2, Service of Protest (JAN 1985) (Deviation FAR 52.233–2), in lieu of the provision at FAR 52.233–2 in solicitations for other than small purchases.

Subpart 1333.2—Disputes and Appeals

1333.213 Obligation to continue performance.

- (a) The contracting officer may use Alternate I to the clause at FAR 52.233-1, Disputes, only after the Head of the Contracting Activity has determined in writing that—
- (1) Continued performance is necessary pending resolution of any claim arising under or relating to the contract because of unusual circumstances which make continued performance essential to the public health or welfare;
- (2) Financing is or will be available for the continued performance; and
- (3) The Government's interest is or will be properly secured.

Subpart 1333.70—Department Board of Contract Appeals

1333.70-1 Department Board of Contract Appeals.

The General Services Administration (GSA) Board of Contract Appeals